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Dismissal sought of civil suit over arms to Contras

By Michael Hedges
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MIAMI — Attorneys in Miami yesterday asked a federal judge to dismiss a civil suit charging 29 people with conspiracy to arm the Nicaraguan resistance forces through drug smuggling in Central America and weapons sales in Iran.

The suit was brought by two left-wing, free-lance journalists, Tony Avirgan and Martha Honey, who claim one of the group's crimes was to bomb a press conference by former resistance leader Eden Pastora, at which three journalists were killed and several others, including the defendants, were injured.

Yesterday defense attorneys claimed the suit should be dismissed because the charges were too vague and failed to show a conspiracy linking the defendants to the bombing, which occurred at La Penca, Mr. Pastora's jungle camp, in Nicaragua, May 30, 1984.

The suit, filed in the Southern District of Florida in May, attempts to link rebel leaders Adolpho Calero and Alvero Cruz, former CIA agents Thomas Clines and Ted Shackley, and several persons now being investigated in connnection with Iranian arms sales to a tangled plot seeking to raise money for the resistance, also known as Contras.

Among the defendants named are retired Gens. John K. Singlaub and Richard V. Secord and Middle East arms dealer Albert Hakim.

Attorney Ron Hager argued that recent revelations in Washington have proved at least part of their conspiracy theory.

But attorney Phillip Stiles, representing Gen. Singlaub, ridiculed the lawsuit. "It astounds me that [the plaintiffs] have not alleged that the Burger King Corp. is not part of this conspiracy," he said. "Surely, the defendants must have bought a hamburger at some time."

Another attorney told U.S. District Judge Lawrence King that Mr. Avirgan and Ms. Honey were using the suit "as a political review of what is happening in Nicaragua."

Legal experts in Miami familiar with Judge King predicted he will dismiss the suit soon. "He is a nonsense judge who won't get involved with some fantastic international conspiracy claim," said one.

In an earlier hearing, Judge King had ruled that plaintiff's attorneys needed to demonstrate a conspiracy involving all the defendants to justify a civil suit.

In response yesterday, Daniel P. Sheehan, an attorney for the Christic Institute, a liberal Washington-based Catholic organization involved in the suit, filed a 95-page affidavit that claimed to demonstrate a long-term conspiracy involving those being sued and a host of others.

Among the claims in the affidavit, which cites testimony from 79 anonymous sources, are:

- President Reagan, Attorney General Edwin Meese III, CIA Director William Casey and National Security Council officials directed a "secret team" of ex-CIA officials and arms dealers to sell weapons to Iran as a way to fund Contra groups.
- The secret team, which included ex-CIA officials, ex-military officials and others, carried out many operations in the Middle East, Central America and Southeast Asia, including drug smuggling, assassinations of communist sympathizers and arms deals.
- Some of those on the team also were connected to a special operations group of U.S. military officers in Vietnam. The affidavit claims that from 1966 to 1968 Gens. Singlaub and Secord, with the help of then-Maj. Oliver North, ran a secret assassination program that killed 100,000 communist officials in Southeast Aisa. These operations were financed by illicit heroin sales to the United States.

The affidavit said the network spread in the 1970s and 1980s and became involved in plots as diverse as assassinating Col. Muammar Qaddafi and the U.S. ambassador to Costa Rica and aiding the Contras. It alleges that those involved in these secret missions planned the La Penca bombing and supplied the explosives used in it.

Judge King kept yesterday's hearing focused on the narrow legal question of whether there was enough evidence of illegal acts to warrant the suit's being brought to trial. Defense attorneys did not argue whether the claims were true, only whether they constituted federal civil violations.

At one point, Judge King expressed surprise at the plaintiffs' request for $25 million in damages, noting that the only losses claimed by the defendants were camera equipment that was destroyed and wages lost during a short convalescence period. "If the purpose is not to correct a perceived sweeping social wrong," the judge said, the case might best be settled out of court for about $10,000.

"You'd be made whole if you could get about 500 dollars from each defendant," he said.

Mr. Hager argued that they were asking huge punitive damages from the defendants as a way to discourage alleged covert operations.

Attorneys for the plaintiffs urged the judge to allow the case to continue at least to the discovery stage, where they could demand statements under oath and subpoena documents, which they claimed would demonstrate "drug dealing, arms dealing, terrorism and the subversion of foreign policy" by the defendants.

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